the things that Members think should get priority. On that, there is no difference of opinion. And particularly, if I understand the Government's argument, they are willing to listen to the Opposition first and on a priority basis. However, it so happens, as the Parliamentary Affairs Minister has just now mentioned, that there is more than one ordinance. Some are still being discussed in the lower House. There is a deadline. So, if you have some views on the issues covered by those ordinances, you would need some time. For that reason, it is necessary to see that all the ordinances are not bunched together for tommorow. Then, we will have to apply the guillotine and you will have views which could not be articulated. So, if we share between today and tomorrow some ordinances, it will serve the purpose. I do not think it is the intention of the Government. Certainly they have not said so. I am sure that they do not mean that we should not give time for special mentions. I know, as Member of the House, that all of us are interested in bringing special mentions because it concerns the people in our perception and we are under pressure to do that. The question is, how do we go about the three things? We will discuss everything, all the three things, if the House cooperates. Sequencing is immaterial. Now, if you are agreed with this proposition that four ordinances need not be bunched together for tomorrow, then let us share between today and tomorrow. In that context, the Copyright issue can be taken up immediately and after that... *(Interruptions)*.

SHRI SHANKAR DAYAL SINGH: Half-an-hour discussion.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): As far as I am concerned, if the House agrees, it can be taken up. But there is no question of not taking up. Now, we will take up the Copyright Bill.

THE COPYRIGHT (AMENDMENT) BILL, 1992

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH): Sir, I beg to move:

> That the Bill further to amend the Copyright Act, 1957, as passed by Lok Sabha, be taken into consideration.

Sir, I would like to draw the attention of hon. Members to this small Amending Bill which, in fact, arose out of a public demand that the copyright in regard to the works of the national poet Shri Rabindranathji Tagore was expiring on the 31st December 1991. It was considered that in view of many factors, this should be extended for some time. We had a discussion in the meantime, Sir. We are already examining a much more comprehensive Copyright Amendment Bill and that Bill has already been drawn up. In the meantime, this time factor intervened and until we did something about this before 31st December, the purpose would not have been served. Therefore, this Ordinance was passed only for that specific purpose to extend the copyright from 50 years to 60 years. Sifice it has to do done for everyone, we could not have done it for only one person whatever be the situation. This is only that. Subsequently, in this Session, we are bringing a comprehensive Copyright Amendment Bill, which will then be considered by the House and according to its own wisdom, it shall be passed.

In this background, I make a very humble request that this is a Bill which does not take into consideration any comprehensive aspect of the Copyright Act and therefore, this House, in its consideration, would kindly pass this. We would be very grateful if with the cooperation of Shri Shankar Dayal Singh Ji, it is passed without discussion. *(Interruptions)*

SHRI JAGESH DESAI (Maharashtra): Are you going to bring a comprehensive Bill during this Session or during the next Session?

SHRI ARJUN SINGH: During this Session.

SHRI JAGESH DESAI: Then it should be passed without discussion.

The question was proposed.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): The

motion for the consideration of the Bill is now open for discussion. Are there people interested in speaking? Mr. Shankar Dayal Singh, would you like to speak on this?

श्री शंकर दयाल सिंह (बिहार): उपसभाध्यक्ष जी, मुझे खुशी है कि सरकार ने पुस्तकों के प्रतिलिपि के अधिकार के संबंध में संशोधन विधेयक, 1992 हमारे सामने प्रस्तुत किया है। महोदय, लोकसभा ने इस पर पहले ही विचार कर इसे पारित किया है और आज लोकसभा द्वारा पारित और संशोधित विधेयक पर हम भी अपनी मोहर लगाने के लिए खड़े हुए हैं।

महोदय, यह सदन राज्यसभा, एल्डर्स हाउस कहा जाता है, इसलिए मैं यह भी आवश्यक समझता हूं कि जो कुछ भी हमारे उस सदन से छूटा हो या भूलवश रह गया हो, इस संबंध में भी हम कुछ निवेदन करें। उपसभाध्यक्ष जी, मैं यह कहना चाहता हूं कि माननीय मंत्री महोदय ने जो विधेयक हमारे सामने पेश किया है, जिस पर कि हम विचार कर रहे हैं, उसमें 50 साल से बढ़ाकर 60 साल का समय निर्धारित किया गया है। पिछले दिनों जब भारत की जनगणना हुई थी तो उसमें भी मनुष्य की आयु बढ़ गयी और निश्चित रूप से लेखकों की भी आयु बढ़ती चली जा रही है। मैं समझता हूं कि इन सारी बातों को देखते हुए 60 साल की अवधि के बजाय आपको कम-से-कम इसे 75 वर्ष की अवधि रखना चाहिए था। फिर 10 साल बाद यह हो सकता है कि लोग कहें कि नहीं, यह अपूर्ण है। इसलिए एक तो मेरी पहली राय यह है कि इसे 75 वर्ष करें। अब यह कॉपी राइट का जो सिलसिला है, तो यह ठीक है कि भारत सरकार या मंत्री महोदय को पश्चिम बंगाल के मुख्य मंत्री श्री ज्योति बसु ने फोन पर यह कहा कि रवि बाबू की रचनाओं का कॉपी राइट 31 दिसंबर, 1991 को समाप्त हो रहा है और विश्व भारती के चांसलर या कुलपति माननीय प्रधान मंत्रीजी है, इसलिए इसको ध्यान में लाकर रखा गया। लेकिन आप स्वयं प्रोफेसर हैं और ज्ञान में एक श्रेष्ठ व्यक्तित्व है, इसलिए मैं आपसे कहना चाहता हूं कि हमारे लिए जिस तरह गौरव की बात कवि गुरु रवि बाबू की पुस्तकें हैं उसी तरह से अन्य पुस्तकें भी हमारे लिए गौरव की वस्तु है। मैं समझता हूं कि इसकी एक परिधि यह होनी चाहिए थी कि बहुत से ऐसे लेखक हैं भारतीय भाषाओं में, हिन्दी में अभी प्रेमचंद जी की शताब्दी पूरी हुई, प्रसाद जी की शताब्दी पूरी हुई है और उनकी पुस्तकों के प्रकाशन को लेकर, रायल्टी को लेकर भी वही झंझट है। उस समय सरकार ने इस पर कोई कार्यवाही नहीं की। रवि बाबू का जब प्रश्न आया कि कार्यवाही होनी चाहिए, हमारे बहुत ही श्रेष्ठ हैं। इसमें कोई दो राय नहीं है, भारतीय मानस और पूरा विश्व उनके प्रति आदर रखता है। इसलिए उन्हें कवि गुरू हमने कहा है। लेकिन, साथ-साथ इस क्लॉज में कुछ ऐसा करना चाहिए था कि जिन भारतीय भाषाओं के अन्य रचनाकारों की पुस्तकों की रायल्टी का प्रश्न विवाद का विषय बना हुआ है साल, दो साल के अंदर, उनको भी इस परिधि में लाना चाहिए था, विशेष तौर पर जैसे जयशंकर प्रसाद जी और प्रेमचंद जी की पुस्तकें है। उनकी ओर मैं ध्यान दिलाना चाहता हूं। इसी के साथ, एक बात और जो रायल्टी के संबंध में कहना चाहता हूं, जो बहुत ही आवश्यक है, इसी में आपको यह स्पष्ट करना चाहिए था, जिसके बिना मैं समझता हूं कि यह बड़ा अधूरा रह गया है, एक तो रायल्टी हम वैसी पुस्तकों पर देते हैं, जो पुस्तकें रचनाकार की अपनी मौलिक रायल्टी उन पुस्तकों पर देते हैं, जिनका हम संकलन करके संपादन करते हैं या सरकारी भाषण के रूप में वह जिल्द के रूप में आती है, उसके बारे में स्पष्टीकरण करना सरकार का कर्त्तव्य है।

उपसभाध्यक्ष जी, आप जानते है अच्छी तरह से, कि बहुत से लोग ऐसे होते है जो मूल रचना नहीं करते, मौलिक लेखन नहीं करते, लेकिन संकलन करके एक जिल्द में बांधकर संपादन कर देते हैं। कोर्स में लगवा देते हैं और रायल्टी पाते है। यह हक किनका बनता है? हक उस संपादक का बनता है, जो चयन करेगा या उस लेखक का बनता है जो रचनाकार है? इस तरह से पता लगाएं, माननीय मंत्री जी प्रकाशन विभाग से, नेशनल बुक ट्रस्ट से, एन०सी०ई०आर०टी० से जरा पता लगाएं और तब आपको पता चलेगा कि सरकारी ओहदे पर रहते हुए बहुत से लोगों ने जो भाषण दिए, उनके सेक्रेटरीज ने जो लेख लिखे या बड़े-बड़े समारोह में पढ़ने के लिए उनके डिपार्टमेंट ने जो भाषण तैयार किए, उनका संकलन तैयार हो गया और उस पर भी उसको रायल्टी मिल रही है।

अब आइए, दूसरी ओर सरकार ने यह बिल लाया। हमारे सामने है कि रायल्टी की रक्षा के लिए आप 60 साल कर रहे हैं। अब यहां माननीय मानव संसाधन विकास मंत्री जी बैठे हुए हैं, पहला सवाल मैं यह पूछना चाहता हूं कि सबसे बड़ा आपका एक विभाग है पुस्तकों का एन०सी०ई०आर०टी० जो करोड़ों रुपयों का व्यवसाय करता है और कोर्स में जो किताबें चलती हैं उनके प्रकाशन और वितरण के कार्य में। जरा आप पता लगाएं कि वे अपने लेखकों को कितनी रायल्टी देते हैं और देते भी है या नहीं? मैं अपनी जानकारी से आपको बता दूं, चूंकि मैं उनका एक लेखक रहा हूं और दो पुस्तकें उनके लिए मैंने लिखी है। दस हजार रुपया पूरी पुस्तक का उन्होंने दिया, जबकि एक-एक पुस्तक की एक-एक लाख से अधिक प्रतियां उन्होंने बेचीं। इस पर कौन कदम उठाएगा? सरकार को स्वयं उठाना है।

माननीय उपसभाध्यक्ष जी, मैं आपके माध्यम से

तीन-चार बातें बहुत संक्षेप में कहना चाहता हूं। पहली बात, तो यह कहना चाहता हूं कि यह जो रायल्टी के संबंध में संशोधन विधेयक, 1992 आया है, एकरूपता लाने की दृष्टि से भारतीय भाषाओं या भारतीय प्रकाशनों के सभी प्रकाशनों को इसके अंतर्गत लाना चाहिए था और उन विवादग्रस्त लेखकों की रचनाओं के लिए भी कहीं न कहीं कोई पॉलिसी रहनी चाहिए, जिससे उनकी रक्षा हो सके। दूसरी बात, मौलिक लेखन, संपादन, संकलन इसका भी अलग-अलग कहीं न कहीं कोई विशेष उल्लेख होना चाहिए। तीसरे बात, जो सरकारी प्रकाशन है, सरकार द्वारा प्रकाशित पुस्तकें, एक प्रकाशन को हम कहते हैं बीस प्रतिशत दो कमीशन और जो एन०सी०ई०आर०टी० जैसी संस्था जब किसी लेखक से किताब लिखवाए और केवल दस हजार रुपया दे। तीन पुस्तकें उन्होंने लिखवाई मुझसे जवाहर लाल जी पर लिखवाई, सरदार वल्लभ भाई पटेल पर लिखवाई और जय प्रकाश नारायण जी पर लिखवाई और स्वयं उनका कहना है कि इसकी तीस-तीस, चालीस-चालीस, पचास-पचास हजार प्रतियां बेची हैं। उन्होंने हमको क्या दिया? दस हजार रुपया। मैं तो भुक्तभोगी खड़ा हूं आपके सामने, आपके दरबार में खड़ा हूं। आप ही एक रक्षक हैं। तो सरकार जब तक इस ओर ध्यान नहीं देगी, देखेगी नहीं तो हम दूसरों को क्या कह सकते हैं?... इसके साथ जो एक बात मैं कहना चाहता हूं, वह यह है कि जिन पुस्तकों के 50-60 साल पूरे हो गए, जैसे बंगला के ख्यातिनामा लेख को, बंकिम बाबू की पुस्तकों का टर्म खत्म हो गया है, कोई छाप सकता है, शरद बाबू की कोई छाप सकता है...

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर): समय पर भी ध्यान रखिए।

श्री शंकर दयाल सिंह: बिल्कुल। मैं समाप्त करने पर हूं। जब आप घंटी बजाएंगे, मैं खत्म कर दूंगा। मैं एक बात जरूर कहना चाहता हूं कि पुस्तकें ज्ञान की, जीवन की, समाज की एक मर्यादा हैं, तो पुस्तकों की शुचिपूरिता के बारे में मैं क्यों कह रहा हूं? जिनकी अवधि समाप्त हो गई है, उनको कोई छाप सकता है, लेकिन आज आप देखिए कि शरद चन्द्र जैसे विश्व विख्यात उपन्यासकारों की पुस्तकें बाजार में कैसे बिकती हैं। सड़े-गले न्यूज़ प्रिंट पर छापकर लोग इस कद्र से उसकी पुड़िया बनाकर बेचते हैं, कुछ इसके ऊपर भी सरकार को ध्यान देना चाहिए।

अंतिम बात जो मैं कहना चाहता हूं, वह यह है कि रॉयल्टी तो आप निर्धारित कर देंगे लेकिन जो नकली किताबें छप रही हैं, मूल प्रकाशक कोई है मुंबई में लेकिन अगर वह किताब चल गई तो दिल्ली में उसको कोई छाप लेगा हजारों-लाखों प्रतियों में और उसको हजारों-लाखों प्रतियों में बेच लेगा, उसके लिए आप क्या करने जा रहे हैं?

SHRI P. SHIV SHANKER (Gujarat): If it is covered by the Copyright Act then it is a criminal offence.

श्री शंकर दयाल सिंह: मैं वही तो कह रहा हूं कि उसके बारे में भी आपको इसमें लाना चाहिए और इन्हीं बातों को ध्यान में रखते हुए मैं माननीय मंत्री महोदय से यह कहना चाहता हूं कि आज एक अच्छा विधेयक...

श्री पी० शिव शंकर: एक विधेयक ला रहे हैं।

श्री शंकर दयाल सिंह: मैं वही तो कह रहा हूं कि जो आप विधेयक ला रहे हैं, उसका हम स्वागत करते हैं। इसलिए स्वागत करते हैं कि सदन में हर तरह की बातें उठती हैं और सदन का समय भी बहुत कुछ ज़ाया होता है, लेकिन सदन में ज्ञान-गरिमा की बातें बहुत कम इन दिनों उठ रही हैं, मैं समझता हूं कि उस संदर्भ में यह बिल हमें कुछ रोशनी दे सकेगा।

इन्हीं शब्दों के साथ हम स्वागत करते हैं और आशा करते हैं कि जो कुछ थोड़े-बहुत सुझाव हमने आपके सामने रखे हैं, उन पर आप अवश्य ध्यान देंगे।

SHRI N.K.P. SALVE (Maharashtra): Sir, the purpose for which this amendment has been brought is absolutely an exception. There are two points only that I would want the Minister to react to. Sir, some works are invaluable and priceless legacy of the Indian culture. We have made... *(Interruptions)*...

श्री अनन्तराय देवशंकर दवे (गुजरात): इन्होंने तो सभी नाम विदड्रा कर लिए हैं?

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर): बोल नहीं रहे हैं, हां सभी नाम विदड्रा कर लिए हैं, एक छोटा सा सबमिशन कर रहे हैं। Are you going to make a speech?

SHRI N.K.P. SALVE: If you consider it a speech or intervention, there are only two points I want to raise in two minutes. If you have any objection I will sit down. Sir, these two points, I think, the House would be interested in knowing. We have raised the limit from fifty years to sixty years. But there are certain works which constitute a priceless legacy of the Indian culture itself. After ten years, again the question will arise. Would you, in the meanwhile, Mr. Minister—I would like to know from

[Shri N.K.P. Save]

you—ensure that the copyright's subsistence becomes permanent of such works? Again, after sixty years the same difficulty must not arise. That is one. The second point is that clause 3 of this Bill provides, I quote:

> "For the removal of doubts, it is hereby declared that copyright shall not subsist by virtue of this Act in any work in which copyright did not subsist immediately before the commencement of this Act."

Sir, I would like to know from him that if there is some piece of work which is not covered by this Act and which needs to be covered, what measures he would take.

THE LEADER OF THE OPPOSITION (SHRI S. JAIPAL REDDY): Would you kindly yield for a minute? Mr. Vice-Chairman, Sir, I wish to draw your attention to a matter not relating to this. Today, just now, our External Affairs Minister made a *suo motu* statement in regard to a note he handed over to the External Affairs Minister of Switzerland. I demand, therefore, that the same statement be made in the Rajya Sabha as well because we raised the matter during the Zero Hour here. Of course, they are going to have discussion. If the *suo motu* statement has been made by the External Affairs Minister in the Lok Sabha, it is only but proper and meet that it should be made here also.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): The Minister is listening.

SHRI GURUDAS DAS GUPTA (West BengalL): Sir, I want one minute. We have never considered that we are superior or inferior to anybody. But the point is, if this important statement could have been made in the other House, it means that this House is discriminated against. Sir, this act of discrimination makes me feel humiliated. But let us not humiliate any of the two Houses of Parliament.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I don't think this is the intention of the Government.

SHRI GURUDAS DAS GUPTA: I believe, it is not the intention of the Government. But objectively it means that this House becomes inferior in the sense that an important statement is being made in the other House. Why are we being completely deprived of the opportunity of listening to the Minister and asking questions? Sir, objectively we have become second to Lok Sabha. It should not happen.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): There are two things, very simple. The Leader of the Opposition has said that a statement has been made in the other House. He demands that a similar statement should be made in Rajya Sabha. I think, this is a fair request and the Government will certainly consider it.

SHRI GURUDAS DAS GUPTA: Sir,...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): You have made your point. The question is, the Government should not discriminate between one and the other. I don't think, at any stage, the question of discrimination arises. I am sure, these sentiments are sincere. If there is such impression, then the Government will make sure that no such thing arises.

SHRI N.K.P. SALVE: Sir, I would like to end my speech by submitting that such invaluable and priceless works which are not covered by this Act, at the commencement of this Act, need to be covered. Such a contingency can arise. May I therefore, know, while he is reacting, whether this aspect of the matter would be looked into and on both these points some views will be taken?

SHRI GURUDAS DAS GUPTA: Sir, I am thankful to you for giving me an opportunity to speak. This is one of the rare occasions when I find myself in complete agreement with the attitude that the Government has taken.

THE VICE-CHAIRMAN (PROF CHANDRESH P. THAKUR): I am sure there will be many more occasions.

SHRI GURUDAS DAS GUPTA: It is on just a common wave-length that we stand, while giving support to the Government, while giving congratulations to the Government that it deserves.

Sir, I want to tell you that we had been

in constant contact, with some of the Members of Parliament from West Bengal, and had been in constant touch with the Prime Minister for a number of months. I must congratulate the Government because they have stood the pressure, they have stood persistent pressure of leading publishing houses of the country. Taking advantage of the probable termination of Copyright before it was amended, somebody wanted to make money by commercialising some of the best creations of our cultural life. This is very clear. Somebody thought that if this Copyright was not amended, Tagore's works could be printed and they can make money, they can mint money. Therefore, I support the Government because this is a move against the commercialisation of India's cultural heritage. The question is no of Tagore, the question is that we must protect our heritage in the way it deserves. People must not be allowed to make money out of the creations that India has made through its great achievements, through its great sons and daughters. Therefore, I give my total support to it. I support the Government because it has stood the pressure. It has not yielded to them. I would like the Government, in the same way as my other colleagues did, to extend the Copyright further. I would respectfully request Mr. Arjun Singh to kindly consider in what way the best cultural works, best intellectual creations of our nation can be protected by the community and society as a whole. Let them not be allowed to exploited by the business world. In what way can that be done? There are cases in some countries of the world where the Copyright is given special extension in special cases. I want to know whether you can consider that. Therefore, I congratulate the Government and I believe that the Government will do something in this regard.

SHRI P. SHIV SHANKER: Sir, I just want to raise one or two points from the observations made by the hon. Minister. There are certain works which are our national heritage. Works which are a national heritage; should they be made a paradise of the publisher? That is the question which I would beg of the hon. Minister to kindly consider. Original books of great men, should we sell it to the publisher, any publisher and get it published and allow him to make money out of it? As far as ordinary books are concerned, we are not concerned about them. I would like to suggest, since the hon. Minister has already promised that he is going to bring in a comprehensive Copyright Act, this is for his kind consideration that in chapter 5 of the Copyright Act of 1957, what could be done is that it could be divided into two segments and the works of eminent personalities, original works, works of national heritage etc., so far as such works are concerned they could be classified based on reasonable classification not violating Article 14 of the Constitution, In such case it will not be discriminatory, because if we set out the purpose and that purpose having been set out if we say that we are making a reasonable classification of such works then there would be no difficulty. So they could be segregated from the ordinary copyrights and if these two segments are separated, I am sure the purpose will be satisfied and works of eminence could be eternally protected.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Shri Sukomal Sen. I have to make a request to you. According to the original time allocation, total time for this topic was two hours and Congress had 54 minutes. Congress has practically withdrawn all its speakers...

SHRI SUKOMAL SEN (West Bengal): Why are you worrying, Sir? I will be very brief. I will just make one or two points...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): You may continue with your speech.

SHRI SUKOMAL SEN: Sir, but you are not listening to me...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): The Chair is supposed to be listening always. I have two ears...

SHRI SUKOMAL SEN: But you are a human being, Sir. Listening to two different persons at the same time is physiologically not possible...

SHRI S. JAIPAL REDDY: One second, Sir. I will be disturbing you

[Shri S. Jaipal Reddy]

again. I am told that according to the TV monitor of Rajya Sabha, the External Affairs Minister is making a statement in Rajya Sabha at 5.30. Neither the office or we appear to know about it. What is this?...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): We will go by the notification...

SHRI S. JAIPAL REDDY: The office does not know about it. Neither do we know about it. The revised business does not seem to have been circulated. It is a very serious matter. The office does not know so far, nobody knows about it and it is over 5.30. I do not find the Minister anywhere. This is gross mis-management of things. How can we...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Two hon. Ministers are listening to you and they will convey your feelings.

SHRI SUKOMAL SEN: Some previous speakers have reaised many issues about the copyright. The problem is that the Government is getting another ten years for the consideration of all the aspects about preservation of copyright. Now the point is that this Bill has come because of the fact that the copyright of Tagore's works was to expire on 31st December, 1991 and that was the basis of this amendment. What I feel is that even after the extension of copyright by another ten years, the question of preserving national heritage will not be solved. It cannot be solved. There are so many eminent writers in our country who have contributed to the cultural heritage of our nation. We want to preserve them. We do not want to leave them to the commercial entrepreneurs for making profit. Tagore stands supreme among those eminent writers and that is why this Bill has been brought in Parliament. My point is, after ten years when the Copyright Act expires, what will happen? Will it be allowed to the commercial entrepreneours to make profits? That is the main issue. Even the Visva Bharati has proposed certain via media. They have said that after ten years they do not want to preserve the copyright of Tagore. And they have proposed that some national board consisting of different academics and various institutions of academic brilliance could take over the right to publish Tagore's works, complete, full and original Tagore's words could be published so that it could reach the common readers.

[The Vice-Chairman (Shri Bhaskar Annaji Masodkar) in the Chair].

Now after ten years, this will be given to commercial entrepreneurs. Then the Quetion will arise whether the readers will get the original and complete works of Tagore, as the commercial publishers will be interested only to make profits. There are some works of Tagore which are not profitable to the entrepreneurs. There are some works which the commercial entrepreneurs may feel profitable and they may publish and sell these. All these complications will arise. There are some works which are not yet published. Some letters are yet to be traced and published. Tagore's works consist of both literary and muscial compositions and it is a voluminous one. For this, some via media has to be found out so that the original complete works of Tagore could be protected and it could reach the readers. It cannot be left to the commercial people. These arguments might arise in case of other eminent writers also and the commercial entrepreneurs might be interested to make profits from these works also. That is why I request the Government to think over it. What the Berne convention and the subsequent international convention have said is corrent. Some countries have made some othere acts also. In England, the Oxford University and the Cambridge University have the sole right to publish certain books which cannot be published by other institutions or commercial entrepreneurs. In some countries, this copyright period has been extended. Now with regard to India, what can be done to protect the national heritage and the cultural wealth? Will it be used by commercial publishers for making profit or will it be protected by some institutions so that the original work can reach the public at a cheaper rate?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): You are not opposing it.

SHRI SUKOMAL SEN: That has to be thought of. But I am one of the

Members who have raised this issue much before through a special mention. The Chief Minister of West Bengal and not only him, but many other intellectuals also have taken up this issue. At the same time, certain intellectuals have also opposed it. The publishers *in toto* have opposed it. But there is an opinion in our country that the Government should pay proper attention to copy-right. In 1983, there was a seminar in Jabalpur University where this issue of copyright was discussed. They have made certain other discussions also like how to preserve the works of eminent authors and thus the national heritage. And they made certain observations. I need not narrate them now. I think the honourable Minister is already in the know of it or he can get the papers from the University. Many intellectuals dwelt on the subject. I request that while extending the copyright period by ten years more the Government should take the initiative to conserve the works of eminent intellectuals in various fields, of academicians, of institutions like the Sahitya Akademi, the National Book Trust, the Bangla Akademi and similar other institutions, the Government should see what can be done to protect the works of Tagore and other eminent literary figures, so that they are not left to the commercial houses for exploiting, for earning money. With these words I support the Bill.

श्री सुरेश पचौरी (मध्य प्रदेश): महोदय, क्योंकि हमारी पार्टी के माननीय सदस्यों ने अपने नाम वापस ले लिये हैं इसलिए मैं केवल इस अवसर पर मानव संसाधन विकास मंत्री जी को इस कॉपीराइट अमेंडमेंट बिल 1992 प्रस्तुत करने के लिए बधाई देना चाहूंगा। यह एक सामयिक कदम है। इस बिल के प्रस्तुत करने से न केवल हम गुरूवर रवीन्द्र नाथ टैगौर की कृतियों के प्रति सम्मान व्यक्त करेंगे जिनके पब्लिकेशंस की समयावधि 31 दिसम्बर, 1991 को समाप्त हो रही है बल्कि हम अन्य साहित्यकारों के प्रति भी सम्मान व्यक्त करेंगे। इस प्रकार की व्यवस्था न केवल हमारे भारतवर्ष में हो रही है बल्कि अनेक ऐसे देश भी है विश्व में जिनमें इस प्रकार की व्यवस्था है जिनकी कॉपीराइट की समयावधि 50 वर्ष से ज्यादा की है। जैसे ब्राजील और स्पेन ये दो ऐसे देश है जिनमें इस कॉपीराइट की समयावधि 60 वर्ष की है जो अवधि अब भारत में माननीय मंत्री जी की पहले से हो रही है। यद्यपि अनेक संस्थाएं इस प्रकार की मांग पिछले बहुत लम्बे समय से कर रही थी जो विश्व भारती प्रकाशन से संबंधित थी। उसको मद्देनजर रखते हुए मंत्री जी ने जो कदम उठाया है वह एक अच्छा कदम है और बहुत अधिक यदि हम इसकी अवधि बढ़ाते तो इससे एक बैलेंस बिगड़ जाता इंडीविजुअल और सोसाइटी के बीच में और बाद में इसको रिवाइज करना उपयुक्त नहीं होता। क्योंकि रिवाइज करते, इस अवधि को घटाने के लिए, तो उससे कई प्रकार के नये विवाद उत्पन्न हो सकते हैं। इसलिए 50 से 60 वर्ष की जो अवधि बढ़ाई गई है वह एक सामयिक कदम है। और ज्यादा अवधि बढ़ाना जैसा एक माननीय सदस्य ने बताया कि वह उचित नहीं होता। हमारा जो भारतवर्ष है यह दो कन्वेंशन — एक बर्न कन्वेंशन और दूसरा यूनिवर्सल कॉपीराइट कन्वेंशन का मेम्बर भी है जिसमें यह व्यवस्था है कि 50 वर्ष की अवधि कॉपीराइट हेतु होनी चाहिए लेकिन लम्बे अर्से से मांगों को देखते हुए जो अवधि मंत्री महोदय ने 10 वर्ष और बढ़ाने का प्रस्ताव रखा है वह अच्छा कदम है। मंत्री जी को इसके लिए बधाई देता हूं और इस बिल का समर्थन करता हूं। धन्यवाद।

PROF. SAURIN BHATTACHARYA (West Bengal): Thank you, Mr. Vice-Chairman, for the opportunity. This Bill seeks to change the Ordinance into law. The Copyright (Amendment) is thought of as a double-edged sword. There are enough reasons which may be put against the amendment, the amendment of extending the term of copyright from 50 to 60 years but in a particular case. We know the background. It was done to protect the work of Rabindranath from any unscrupulous utilisation by commercial houses. There was a very strong feeling everywhere that steps should be taken and almost at the nick of the moment — I think it was December 28, 1991 when the copyright period was to expire —these were effected through an Ordinance and that Ordinance is now going to be converted into a law.

Sir, it has been made clear that it relates exclusively to Rabindra literature, though the name is not there in the amendment, and maybe to the prospective authors whose cupyright may exhaust after this. For them also perhaps, if I have understood this rightly, this amendment would apply, but not to

[Prof. Saurin Bhattacharya]

others who are also very reputed writers or very famous writers, whose contribution to the cause of literature is no less. This is one aspect of the case, the other being that by this extension, the Visva-Bharati, which did much for the propagation of Rabindranath and also, at the same time, had been responsible for monopolising, so to say, in a way stood in the way of its popularisation to the extent necessary, would have this right protected for another ten years. That problem is also there. Therefore, not only Tagore, but other litterateurs also will get this benefit by these things if the copyright period is extended up to sixty years, but not in the case of those whose period did exhaust earlier. Therefore, this may be a discriminatory practice. It may help any monopoly whose work is not commensurate with the question of spreading literature, spreading the work of great authors, great composers and the like. There are both sides to it, no doubt. But, since it came in the background of a situtation when the 50-years period was coming to an end, Rabindra literature would be an open book. Without any protective measures, there was every possibility of subjecting it to various unhealthy commercial practices. At such a moment, because of the pressure of public opinion, on a request or demand, as you may call it, from the Government of West Bengal, this Ordinance was promulgated.

While supporting this measure, I would request the Government of India and the Minister of Human Resource Development through you, Sir, to see that this ten-year period is utilized to develop some specific norms so that behind the garb of this extension, great literature is not monopolised just by one institution. Though associated with the name of Tagore, associated with the name of Santiniketan, it is nevertheless a commercial organization exploiting the name of Tagore and this fact cannot be lost sight of. Therefore, the extension should not end our work. I think, with the extension, the work should be on for setting up a framework in which even the Visva-Bharati will have to agree to further dissemination of Tagore's literature and not just for perpetuating its monopoly. Thank you Sir.

6.00 P. M.

DR. NARREDDY THULASI REDDY (Andhra Pradesh): Sir, I am in a state of ambiguity whether to support or oppose the Bill.

SOME HON. MEMBERS: Please support. Better support. *(Interruptions)*

DR. NARREDDY THULASI REDDY: Amendments which are necessary are not brought and the amendment which is not necessary is brought. No doubt, the Copyright Act, 1957, is outdated. But the present Bill is brought, keeping in view the Vishwa Bharati. To give ten more years of copyrights to Vishwa Bharati on Guru Tagore's works the present Bill is brought. Sir, many intellectuals, scholars and professors are against this extension. Even Shri Satyajit Ray, who was awarded Bharat Ratna, also opposed the extension of Copyright Act for ten years. All is not well with Vishwa Bharati. And the manner in which it has made use of copyright in recent times is not inspiring. There are persistent complaints about inefficiency. There are allegations of incomplete and incorrect translations in different production standards. So no organisation should have a monopoly on the works of statemen like Mahatma Gandhi and Guru Tagore. Authors should be given a chance to come out with new editions and present a great literature in a new light. The interests of leaders should be given priority. Free and keen competition induces publishers to produce different categories of leadership, So I request the hon. Minister to keep these points in view and come up with a comprehensive and overall Copyright Bill.

SHRI ARJUN SINGH. Sir, I am very grateful to the hon. Members for the very useful suggestions that have been made. Shri Shanker Dayal Singhji voiced certain apprehensions about the overall subject that are covered under the Copyright laws. My difficulty, Sir, at the moment is that while the comprehensive Bill is to reply to the points raised by hon.

Members regarding that Bill. This Bill is on a very, very narrow issue of extending the time. This does not mean that the points made by Shri Shanker Dayar Singhji, Salveji and other hon. Members are not important; they are very important. And all I can say at the moment is that in the comprehensive Bill we have tried to include many of the things which have been suggested. But there can still be something that is left out, and when it comes up for discussion before this August House I am sure all those lacunae will be taken care of.

Now, about the point made by Dr. Reddy just now about the complaint against Vishwa Bharati and also of Prof. Bhattacharjee about what is the relative right of people and the relative right of an author, Sir, the copyright concept itself deals with that, and always a mean is struck where the property rights of an author and the domain of the public over these rights becomes a subject-matter of the law, which is the copyright law. I am quite conscious of the fact that we should not become judges about the author's beyond a certain stage. Today for Shakespeare there is no copyright, protecting him and his works are published all over the world.

Here the short point was that while we were engaged in overhauling the entire Copyright Act, if we were able to do it before the 31st and that Act would have come to Parliament, this would have been considered along with that. The only difficulty that has arisen is because of the time factor we had to issue an Ordinance and I can assure the House that all the points mentioned by the hon. Members will find a place in the Copyright Bill that will come. And we will try our utmost to incorporate all your very valuable suggestions in that.

With these words, Sir, I request that this Bill be now passed.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): I shall now put the motion moved by Shri Arjun Singh to vote.

The question is:

"That the Bill further to amend the Copyright Act, 1957, as passed by Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI ARJUN SINGH: Sir, I beg to move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): We shall now take up Half-an-Hour Discussion. That appears to be the scheduled item. Shri Shankar Dayal Singh.

HALF-AN-HOUR DISCUSSION ON POINTS ARISING OUT OF ANSWER TO UNSTARRED QUESTION 1285 GIVEN ON 5TH MARCH, 1992 REGARDING THE ORDERS PENDING WITH H.E.C., RANCHI

श्री शंकर दयाल सिंह (बिहार): उपसभाध्यक्ष जी, मुझे खुशी है कि आपने आज ऐसे विषय पर आधे घंटे की चर्चा के लिए समय दिया है जिसको लेकर पिछले कई महीनों से मैं प्रयास कर रहा था। देश के सामने एक नयी औद्योगिक नीति पिछले दिनों आई और नयी औद्योगिक नीति के आते ही एक नयी विचारधारा भी देश में शुरू हो गई। आज़ादी के बाद हमने बड़े विश्वास के साथ समाजवाद को अपनाया था और देश के प्रथम प्रधानमंत्री पंडित जवाहरलाल नेहरू ने समाजवाद को सामने रख कर देश की नींव उस ढंग से डालनी शुरू की थी जिसके अन्तर्गत हमारी औद्योगिक इकाइयां थीं। देश में जितने भी बड़े बड़े उपक्रम सार्वजनिक क्षेत्र में स्थापित किये गये जवाहर लाल जी ने तथा उस समय जो भी हमारे देश के बड़े बड़े नेता थे, उनकी स्वीकृति भी इन्हें प्राप्त हुई। यह बात छिपी नहीं है कि जब अपने देश में बड़े बड़े उपक्रम स्थापित करने की बात शुरू में चली तो अमरीका और इंग्लैंड जैसे देशों ने भी इसके लिए हमें हतोत्साहित किया और बार बार हमारे देश के सामने यह प्रस्ताव रखा कि आप इतने बड़े बड़े